

Regular Session, 2009

ACT No. 156

HOUSE BILL NO. 147

BY REPRESENTATIVES LAFONTA AND BROSSETT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 37:2160(C) and 2162(I) and to enact R.S. 37:2158(E) and
3 2160(D), relative to the business of contracting; to provide for increased criminal
4 penalties for engaging in the business of contracting without authority; to provide for
5 an increase in civil penalties which may be assessed for a violation of provisions of
6 law regulating the business of contracting; to provide for the remission of fines to the
7 contractor's educational trust fund; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 37:2160(C) and 2162(I) are hereby amended and reenacted and R.S.
10 37:2158(E) and 2160(D) are hereby enacted to read as follows:

11 §2158. Revocation, suspension, and renewal of licenses; issuance of cease and
12 desist orders; debarment; criminal penalty

13 * * *

14 E. In addition to actions taken by the board, it shall be unlawful for any
15 person to engage in the business of contracting without authority as provided for in
16 R.S. 37:2160.

17 * * *

18 §2160. Engaging in business of contracting without authority prohibited; penalty

19 * * *

20 C.(1) Anyone violating this Section of this Chapter shall be guilty of a
21 misdemeanor and, upon conviction, shall be fined a sum not to exceed five hundred
22 dollars per day of violation, or three months in prison, or both.

(2) Notwithstanding any action taken by the board, any person, who does not possess a license from the board, and who violates any of the provisions of this Section, and causes harm or damage to another in excess of three hundred dollars, upon conviction, shall be fined not less than five hundred dollars nor more than five thousand dollars, or imprisoned, with or without hard labor, for not less than six months nor more than five years, or both.

(3) Any fine so assessed and collected shall be remitted to the contractor's educational trust fund provided for in R.S. 37:2162(J).

D. The district attorney, in whose jurisdiction the violation occurs, shall have sole authority to prosecute criminal actions pursuant to this Section.

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§2162. Violations; civil penalty

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I. In addition to any other penalties provided for in this Chapter, the board may, after notice and hearing, issue an order directing the contractor to cease and desist all actions constituting a violation until such time as a contractor complies with the requirements of this Chapter, and to pay to the board a civil penalty of not more than ~~three~~ ten percent of the total contract being performed.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____